

Application No.: 09/971,716
Amendment dated February 4, 2004
Reply to Office Action of November 12, 2003

REMARKS/ARGUMENTS

Claims 1-30 are pending in the application; the status of the claims is as follows:

Claims 7-12, 17, 18, and 24-29 are withdrawn from consideration.

Claims 1-6, and 19-23 are allowed.

Claims 13-15, and 30 are rejected under 35 U.S.C. § 102(b) as being anticipated by Poly Hi Solidur's literature SYSTEM TIVAR Custom Solutions for Food Processing ("Poly Hi Solidur's literature").

Claims 13 and 16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Poly Hi Solidur's literature and Regal Plastic's Plastics Reference Handbook ("Regal Plastic's Handbook").

35 U.S.C. § 102(b) Rejections

The rejection of claims 13-15, and 30 under 35 U.S.C. § 102(b) as being anticipated by Poly Hi Solidur's literature, is respectfully traversed based on the following.

The references describing Poly Hi Solidur's System Tivar vibratory feeder pans formed using friction resistant material.

In contrast to the cited references, claim 13 provides:

a driving unit for generating a conveying motion, the conveying motion providing movement of the conveying member along an axis, ...

The Office Action states that a driving unit is inherent in the disclosure of the System Tivar because the references disclose vibratory feeding. However, what is

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claimed is not any driving unit. Claim 13 includes the limitation that the driving unit provides conveying motion that provides movement of the conveying member along an axis. The cited references do not directly show a drive unit, much less one having the specifically claimed characteristics quoted above. Therefore, the cited references do not show or suggest every limitation of the claim. To anticipate a claim, the cited references must show, expressly or inherently, every limitation of the claim. MPEP §2131. Thus, the cited references do not anticipate claim 13. Claims 14 and 15 are dependent upon claim 13 and thus include every limitation of claim 13. Thus, claims 14 and 15 are also not anticipated by the cited references.

Also in contrast to the cited references, claim 30 includes:

producing a conveying motion in the conveying member along an axis to advance the materials along the conveying member in the conveying direction.

As noted above, the cited references do not show or suggest producing a conveying motion in the conveying member along an axis. Therefore, claim 30 is also not anticipated by the cited references.

Accordingly, it is respectfully requested that the rejection of claims 13-15, and 30 under 35 U.S.C. § 102(b) as being anticipated by Poly Hi Solidur's literature, be reconsidered and withdrawn.

The rejection of claims 13 and 16 under 35 U.S.C. § 102(b) as being anticipated by Poly Hi Solidur's literature and Regal Plastic's Handbook, is respectfully traversed based on the following.

As noted above, the Poly Hi Solidur references do not show or suggest any conveying mechanism except vibratory feeding. Also as noted above, claim 13 includes the limitation that the driving unit provides conveying motion that provides movement of the conveying member along an axis. This is not shown or suggested in the cited

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references. Therefore, claim 13 is not anticipated by the cited references. Claim 16 is dependent upon claim 13, and thus includes every limitation of claim 13. Therefore, claim 16 is also not anticipated by the cited references.

Accordingly, it is respectfully requested that the rejection of claims 13 and 16 under 35 U.S.C. § 102(b) as being anticipated by Poly Hi Solidur's literature and Regal Plastic's Handbook, be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,

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and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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